

REFERENCE BY HON'BLE SHRI C. MOOKERJEE, CHIEF JUSTICE, HIGH COURT, BOMBAY, TO THE LATE SHRI HEMENDRA K. SHAH, ADVOCATE, ON MONDAY, 19TH MARCH, 1990, AT 11. A.M.

Mr. Rane, Mr. Cooper, President of the Bombay Bar Association, Mr. Patankar, Vice-President, Advocates' Association of Western India and Mr. Damodar, President of Bombay Incorporated Law Society :

My colleagues and myself are deeply grieved to learn that on 11th March Mr. Hemendra Shah, a senior lawyer of this Court, has suddenly passed away. His death was sudden and unexpected. He had been regularly attending Court and I am told that he had been preparing to leave for foreign country to attend to a professional call. On the morning of 11th he had suddenly taken ill. He was removed to the hospital and he expired in the afternoon.

Mr. Shah was born in Bharuch District then part of Bombay Presidency and now within Gujarat State. He had his early education in his district and he had stood first from the district in the Matriculation examination and had earned scholarship. He maintained his success in his educational career. He had joined Elphinstone College from which he had graduate with honours in English literature. He had obtained Master's degree in English literature from Bombay. He was a distinguished alumnus of Government of Law College. Bombay. He came out first in the final law examination and had earned a number of prizes and scholarships. Because of his brilliant results he was made a Fellow for two year of the Government Law College. He had been also one of

the teachers in the Government Law College for a number of years. For about 45 years Mr. Shah had been an Advocate of this Court. He had appeared with distinction in Supreme Court, this Court and the other Courts. He had deep erudition in Hindu Law and Mohammedan Law. His services were utilised for revising Tayyibiji's book on Mohammedan Law and Mulla's Hindu Law. Apart from being a successful lawyer, Mr. Shah had very great human qualities. He remained simple man with deep religious faith. He was an avid reader in English, Gujarati and Sanskrit literature.

Shri Shah's death leaves a void which would be difficult to fill up. We extend out heartfelt condolence to the members of his family. May his soul rest in peace.

19-3-1990.

Speech by Mr. M. A. Rane, Senior Advocate, on behalf of the Advocate-General and the Government Pleader.

Mr. Chief Justice, Mr. Justice Kurdukar,

The Government Pleader expresses his regrets for not being present on this occasion on account of a sudden bereavement in his family and, therefore, he has deputed me to speak on his behalf. In the meanwhile, the Advocate-General had already requested the Government Pleader to speak on his behalf as he was to go out of Bombay without knowing that the Government Pleader would be in such a predicament.

On behalf of the Advocate-General and the Government Pleader, I fully associate myself with everything that has been stated by the learned Chief Justice about the qualities of our dear friend Hemendra Shah.

Hemendra belonged to a very rare breed of lawyers whose advocacy was supported by learning and scholarship. Throughout his academic career, he had a very brilliant record that has been described by the learned Chief Justice, from his school through the Elphinstone College and the Government Law College. He secured the Gold prize for standing first in the LL. B. and the Sir Chandavarkar scholarship for standing first in Hindu Law. There have been several laurels that he won. Another outstanding quality of Hemendra was that in his practice he was never avaricious or greedy and he was totally dependable

and his integrity was beyond doubt. He, as already stated the learned Chief Justice, was a student of English literature. Therefore, he had an insatiable appetite for reading literary works in English, Gujarati and Sanskrit. He was also an intrepid traveller, particularly to spots of nature. He had visited Kedarnath and Badrinath thrice in his life.

Being a junior to him by a few years, I was his contemporary for some years in the Elphinstone College and in the Government Law College and for the last 41 years at the Bar. Unlike me. I have never seen him raising his voice either in the colleges or in the Courts or in the Library. It is surprising that such a soft-spoken, sweet-mannered gentleman, should fall a victim to heart attack, the deadly disease, the biggest killer of the modern mankind. The end was so sudden and swift that his relatives had no time to save his life.

I join the learned Chief Justice in extending my heartfelt condolences to the bereaved members of his family.

19-3-1990.

Speech by Mr. K. S. Cooper, President, Bombay Bar Association.

My Lord the Chief Justice, My Lord Mr. Justice Kurdukar and my friends,

On behalf of the Bombay Bar Association, I fully associate myself with all the sentiments which have been expressed by the learned Chief Justice and by my friend Mr. Rane.

We have met here to mourn the sudden passing away of my friend and colleague, Mr. Hemendra Shah, a Senior Advocate and a highly respected member of our Bar. In the past year we have had the misfortune to lose a number of our distinguished colleagues and Hemendra Shah adds one more to that tragic list.

He and I joined the college together, he after completing his Master's degree and I after my graduation. We took our law degree examination together in 1945. He stood first class first in the University and I was a little behind him. We did our O.S. Examination together in 1947. Again, he stood first, while I was just behind him. We were both appointed fellows of the Government Law College, but he was a stipendiary fellow, whilst I was only an honorary fellow. We both joined as part-time professors at the Government Law College and later took LL. M. classes, though we taught different subjects. We were both enrolled at the Bar in 1946 and served for many years together on the Standing Committee of the Bombay Bar Association.

Hemendra was in many ways a gentleman of the old school. He believed in, and practised, the sterling virtues of total integrity, great industry and scholarship, simple and unassuming ways, a total lack of greed for money or even for fame and kindness towards all. Despite his gentleness, he could be tenacious in argument and when he believed in somethings, he was totally fearless in standing by his belief in what he considered to be right even when he found himself in hopeless minority.; He was never afraid to stand up and he counted when it was most needed to be counted. Whenever there was a question of principle, he was never found lacking. We differed on a number of occasions. But there was never a bitter word exchanged between us and the bond of friendship remained staunch to the end. His honesty was so transparent that it was impossible for anyone to feel the slightest rancour against him even when he disagreed with him. And, of course, he for himself neither felt nor bore rancour or jealousy towards anyone. Scholarship sat lightly on his shoulders and he was never ponderous or pompous. Conceit and vanity were totally foreign to his nature.

The only fault one could perhaps find with him was that he did not take enough care of his health. He believed that a little regular exercise and simple living were that best guardians of good health.

He died suddenly and leaves behind a mourning family and a circle of friends and colleagues who will not easily forget him. Our hearts go out to the members of his bereaved family in their hour of grief. May his soul mingle with the eternal in everlasting peace.

19-3-1990.

Speech by Mr. P. S. Patankar, Vice-President, Advocates' Association of Western India.

My Lord the Chief Justice, Hon'ble Mr. Justice Kurdukar and friends :

It is with profound sorrow that I associate myself with all that has been said on this sad occasion. In the sudden and swift passing away of Mr. Hemendra K. Shah, we have lost an eminent, straight-forward and industrious lawyer. His great qualities were his simplicity and sincerity both in the presentation and mannerism. Above all he was endowed with the quality of humility. He was a scholar from the beginning and had distinguished career in law, being a Gold Medallist who stood First Class First in the LL. B. Examination of Bombay University. His scholarly career was reflected in the help rendered by him in preparing the new editions of Mulla's Hindu Law and Tayabji's Muslim Law. He was also a devoted teacher of law who gave benefit of his vast knowledge for along time to students of Government Law College. He had a very good grounding of legal principles and appeared in all types of litigation in this Court and the Supreme Court. He appeared practically in all big and contested long cause suits on the Original Side and on the Appellate Side mainly when any complicated question of Hindu or Muslim law was involved. He was fair opponent.

On behalf of the Advocates' Association of Western India, which represents Appellate Side Bar of High Court, may I join your Lordships in paying tributes to the memory of the departed soul who served this profession so well and so long. My Lords, I would like to convey on behalf of our Association to the bereaved members of his family our sincere condolences and I would like to conclude with an earnest prayer to the Almighty that his soul may rest in eternal peace.

19-3-1990.

Speech by Shri D. D. Damodar, President, Bombay Incorporated Law Society,
Bombay.

On behalf of the Bombay Incorporated Law Society I join in the sentiments expressed by my Lord the Chief Justice and the other colleagues at the Bar on the sad occasion of the sudden death of Mr. Hemendra Shah.

Mr. Hemendra Shah was with me in the Government Law College and he had a first class academic carrier. After passing his LL. B., he was chosen to become a Fellow in the Law College and he was also a Part-time Professor in the Government Law College.

Mr. Hemendra Shah was well-known for his special study and knowledge of Hindu Law in which subject he made his mark in Court and outside Court. He had an unassuming personality with soft spoken voice and he was always eager to help all those who went to him either with legal problems or otherwise.

In his death we have lost a sound and able lawyer and a friend a to all.

On behalf of the Bombay Incorporated Law Society I wish to convey my sincerest condolences to the members of the bereaved family.

May his soul rest in peace.